

LETTER

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WADE CHURCH
THE ATTORNEY GENERAL

LESLIE C. HARDY
CHIEF ASSISTANT
ATTORNEY GENERAL

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DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Hon. David H. Campbell, Member
House of Representatives
State Capitol
Phoenix, Arizona

Subject: Coroner's Inquest

Dear Mr. Campbell:

This will acknowledge receipt of your request for an answer to the following question:

May a Justice of the Peace and/or Coroner
close a hearing or inquest to the public
or press?

The answer to this question is: No.

The Arizona State Constitution (Art. 2, § 11) reads as follows:

"Section 11. Justice in all cases shall be administered openly, and without unnecessary delay."

The coroner's inquest is a procedure involved in the administration of justice; therefore, it would be clear that this mandate of the Constitution applies.

Arizona Revised Statutes, § 22-501, et seq. sets out the procedure to be followed in conducting a coroner's inquest. It is important to note that only "one inquest upon a body" (§ 22-512) is permitted, unless the inquest is set aside by the court. Therefore, in all cases where the court does not intervene, there would only be one opportunity for the public to attend and know of the proceedings.

In the absence of statutory provision to the contrary, the common law clearly holds the inquest should be public and every citizen permitted freely to attend. Corpus Juris Secundum, Vol 18, Page 298; American

Hon. David H. Campbell

November 20, 1959
Page Two

Jurisprudence, Vol. 13, Page 110.

Crisfield v. Perine
15 Hun. 200,
Affirmed 81 N.Y. 622

State v. Griffin
82 S.E. 254
98 S.C. 105
Ann.Cas. 1916 D. 392

The reasoning behind such decisions is clear. Civil and criminal actions may depend on the evidence adduced at a coroner's inquest; the whole procedure is charged with a public interest. No member of the public should be denied the opportunity to hear and view the proceedings of a coroner's inquest.

We feel that the County Attorney may have confused this procedure with a criminal one where different rules may apply.

Wad. Church
The Attorney General

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